

AN ACT

relating to the detention and examination of certain persons
accepted for a preliminary mental health examination.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 573.021(b), Health and Safety Code, is
amended to read as follows:

(b) A person accepted for a preliminary examination may be
detained in custody for not longer than 48 hours after the time the
person is presented to the facility unless a written order for
protective custody is obtained. The 48-hour period allowed by this
section includes any time the patient spends waiting in the
facility for medical care before the person receives the
preliminary examination. If the 48-hour period ends on a Saturday,
Sunday, legal holiday, or before 4 p.m. on the first succeeding
business day, the person may be detained until 4 [~~12~~] p.m. on the
first succeeding business day. If the 48-hour period ends at a
different time, the person may be detained only until 4 p.m. on the
day the 48-hour period ends. If extremely hazardous weather
conditions exist or a disaster occurs, the presiding judge or
magistrate may, by written order made each day, extend by an
additional 24 hours the period during which the person may be
detained. The written order must declare that an emergency exists
because of the weather or the occurrence of a disaster.

SECTION 2. The change in law made by this Act applies only

1 to the detention and examination of a person admitted for a
2 preliminary examination under Section 573.021, Health and Safety
3 Code, on or after the effective date of this Act. The detention and
4 examination of a person admitted for a preliminary examination
5 before the effective date of this Act is governed by the law in
6 effect when the person was admitted, and the former law is continued
7 in effect for those purposes.

8 SECTION 3. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 888 was passed by the House on April 24, 2009, by the following vote: Yeas 139, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 888 was passed by the Senate on May 21, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor